

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

J.O.C. FARMS, LLC.,

Plaintiff,

v.

RURAL COMMUNITY INSURANCE
AGENCY, INC., d/b/a RURAL COMMUNITY
INSURANCE SERVICES; FIREMAN'S FUND
INSURANCE COMPANY; WILLIAM J.
MURPHY, Administrator; THOMAS JAMES
VILSACK, Secretary; and THE UNITED STATES
OF AMERICA DEPARTMENT OF
AGRICULTURE, RISK MANAGEMENT
AGENCY;

Defendants.

JUDGMENT

No. 4:12-CV-186-D

Decision by Court.

This action came before the Honorable James C. Dever III, Chief United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that the court DENIES the federal defendants' motion for summary judgment. The case is REMANDED to the United States Department of Agriculture to determine whether there is evidence that JOC's 2009 tobacco crop suffered from plant disease, whether such plant disease, if any, entitles JOC to an additional indemnity amount, and whether RCIS applied the proper methods when calculating JOC's indemnity payment.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in accordance with the court's order entered on October 31, 2014, Rural Community Insurance Agency, Inc. and Fireman's Fund Insurance Company's motion to dismiss is GRANTED. The clerk shall close the case.

This Judgment Filed and Entered on September 17, 2015, and Copies To:

Hugh Stevens

(via CM/ECF electronic notification)

Michael J. Tadych

(via CM/ECF electronic notification)

Michael L. Shor

(via CM/ECF electronic notification)

Neal Fowler

(via CM/ECF electronic notification)

DATE

September 17, 2015

JULIE RICHARDS JOHNSTON, CLERK

By: /s/ Crystal Jenkins

Deputy Clerk